



## VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | [www.marvinnc.org](http://www.marvinnc.org)

### PLANNING BOARD MEETING MINUTES

May 6, 2019 – 6:30 p.m. – Village Hall  
REVISED

#### AGENDA ITEM

**1. Call to Order:**

Chairman Jones called the meeting to order at 6:47 p.m.

**2. Determine Quorum:**

Chairman Jones verified a quorum was present.

**Board Members Present:** Michael, Tom, Mark, Kelly, Paul, John

**Board Members Absent:** Chris Smith

**Staff Present:**

Rohit Ammanamanchi, Planner/Zoning Administrator  
Barbie Blackwell, Village Clerk

**3. Adoption of the Agenda:**

MP Made a motion to approve the agenda as presented.

**4. Public Comment Period:**

No one signed up to speak.

#### NEW BUSINESS ITEMS

**1. Zoning Administrator Update:**

Mr. Rohit Ammanamanchi, Senior Planner reported that Kelley Moore resigned as Zoning Administrator. He stated that he would be assuming her duties and Council appointed him as the new Zoning Administrator.

**2. Discussion of Survey Questions, Compare 2013 Survey, Timeline Review, and Next Steps:**

The Planning Board reviewed the Council's recommendations presented by the Planner and compared the 2019 Survey questions with the 2013 Survey in depth.

The Planning Board recommended the same survey back to Council for final approval

The Planning Board discussed the timeline and next steps in depth and recommended the following:

- Extension on the contract with CCOG to be completed by June 30 (to send out, to get back, and tabulated)
- Planning Board recommended waiting to send out the survey until September 1.
- Take their opinions back to Council and verify their timeline.

**3. Discussion of Senate Bill 367 Clarify Property Owners' Rights and other tree-related issues:**

Mr. Ammanamanchi gave a brief report on Senate Bill 367. He explained that the proposed revision in Section 3 clarifies the property owners' rights to allow them more freedom for removing trees. The Bill requires property owners to replace a tree for every tree they remove. *(See attachment #1.a and 1.b: Senate Bill 367 (proposed & current) is hereby incorporated as reference into these minutes.)*

**4. Discussion of Accessory Use Structures, Setbacks, and alternate approval processes:**

Mr. Ammanamanchi presented his staff report for Accessory Use Structures, Setbacks, and alternate approval processes for Planning Board's review. *(See attachment #2: The staff report is hereby incorporated as reference into the minutes.)*

The Planning Board discussed the Accessory Use Structures, Setbacks, and alternative processes in depth. They determined there were no Accessory Use Structures currently in the front yard.

The Planning Board agreed they would support Accessory Use Structures in the front yards for barns and sheds.

The Planning Board also agreed they would support allowing Conditional Use Permit (CUP) for Accessory Use Structures for pools in the front yards with substantial setbacks.

### UNFINISHED BUSINESS ITEMS

**1. Discussion and Consideration of Chapter 5 of the Land Use Plan:**

**ACTION:** Kelly Cates made a motion to table this item until their next meeting. The motion passed with unanimous consent.

### AGENDA ITEMS

**1. Review of Action Items:**

- Mr. Ammanamanchi will revise the survey based on Planning Board's recommendation and present them to Council May 15.
- Mr. Ammanamanchi will get the exact terms of the CCOG contract and follow-up with Planning Board.
- Mr. Ammanamanchi will check if the contract can be pushed out to September. If so, what is the cost. Planning Board also requested if the survey could be finished now and administered in September.
- Mr. Ammanamanchi will keep up with SB 367 regarding trees.
- Mr. Ammanamanchi will follow-up with Planning Board on the ordinance amendment for sheds and pools in the rear yard.
- Planning Board recommended for Marvin Creek Subdivision to pursue a variance for their pool.

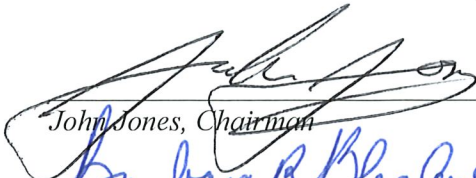
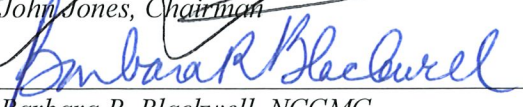
**2. Board Member Comments:**

None comments

### ADJOURNMENT

**ACTION:** Chairman Jones made a motion to adjourn the meeting at 8:58 p.m.

Adopted: 9.17.19

  
\_\_\_\_\_  
John Jones, Chairman  
  
\_\_\_\_\_  
Barbara R. Blackwell, NCCMC  
Clerk, Village of Marvin



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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## SENATE BILL 367

Short Title: Clarify Property Owners' Rights.

(Public)

Sponsors: Senators McInnis, Krawiec, and B. Jackson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 27, 2019

## A BILL TO BE ENTITLED

AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT  
ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE  
PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL  
ASSEMBLY.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 6 of Chapter 153A of the General Statutes is amended by  
adding a new section to read as follows:

**"§ 153A-145.8. Limitations on regulating trees.**

No county may adopt ordinances regulating the removal of trees from private property within the county's jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a county to adopt ordinances regulating the removal of trees from private property, shall be used by a county's governing body as the basis for adopting ordinances regulating the removal of trees from private property. Any ordinance regulating the removal of trees from private property shall provide that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type. For purposes of this section, the term "sapling" means any tree between 1 and 4 inches in diameter at breast height."

**SECTION 2.** Article 8 of Chapter 160A of the General Statutes is amended by  
adding a new section to read as follows:

**"§ 160A-201.2. Limitations on regulating trees.**

No city may adopt ordinances regulating the removal of trees from private property within the city's corporate limits or extraterritorial jurisdiction without the express authorization of the General Assembly. Neither the general police powers authorized in this Article nor any other powers authorized in this Chapter or in any other general or local law, except a general or local law expressly authorizing a city to adopt ordinances regulating the removal of trees from private property, shall be used by a city's governing body as the basis for adopting ordinances regulating the removal of trees from private property. Any ordinance regulating the removal of trees from private property shall include a provision which provides that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type. For purposes of this section, the term "sapling" means any tree between 1 and 4 inches in diameter at breast height."



\* S 3 6 7 - V - 1 \*

**SECTION 3.** The following local acts authorizing ordinances regulating the removal of trees from private property shall remain in effect after this act becomes law, but the governing body of the county or city shall amend any ordinances adopted prior to the effective date of this act to include a provision which provides that the owner of the private property may remove any tree on the property that interferes with a construction or renovation project so long as the owner replaces the tree with a sapling of the same or similar type as required by G.S. 153A-145.8 and G.S. 160A-201.2, as enacted in Sections 1 and 2 of this act:

- (1) Chapter 328 of the Session Laws of 1977 (Wilson, Greenville).
- (2) Section 5.66 of the Charter of the City of Greensboro, being Chapter 1137 of the Session Laws of 1959, as amended by Chapter 288 of the Session Laws of 1979.
- (3) Chapter 556 of the Session Laws of 1985, as amended by Chapter 921 of the Session Laws of 1987 (Asheville, Raleigh, and Pine Knoll Shores).
- (4) Chapter 242 of the Session Laws of 1987 (Southport).
- (5) Chapter 786 of the Session Laws of 1987 (New Hanover County and all municipalities in the County).
- (6) Section 5.33 of the Charter of the Town of Chapel Hill, being Chapter 473 of the Session Laws of 1975, as amended by Chapter 330 of the Session Laws of 1977 and Chapter 478 of the Session Laws of 1989.
- (7) Section 7.5 of the Charter of the Town of Wrightsville Beach, being Chapter 611 of the Session Laws of 1989.
- (8) Section 5.3 of the Charter of the Town of Highlands, being Chapter 519 of the Session Laws of 1991.
- (9) S.L. 1997-420, as amended by S.L. 2005-305 and Section 94 of S.L. 2006-264 (Cornelius, Davidson, Huntersville, and Nags Head).
- (10) S.L. 2006-264 (Section 94(b)) (Matthews).
- (11) Section 6.221 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended.
- (12) S.L. 2000-108 (Kinston, Apex, Cary, Garner, and Morrisville).
- (13) S.L. 2001-191, as amended by Section 1 of S.L. 2003-128 (Durham, Cary, Garner, Morrisville, Knightdale, Fuquay-Varina, Spencer, and Raleigh).
- (14) Section 5.1 of the Charter of the Town of Holly Springs, being S.L. 2003-73, as amended.
- (15) S.L. 2003-128, as amended by Section 71 of S.L. 2004-203 (Rutherfordton, Wake County).
- (16) Section 11.3 of the Charter of the Town of Mount Airy, being S.L. 2003-281, as amended.
- (17) S.L. 2003-246 (Rockingham, Smithfield, and Statesville).
- (18) S.L. 2006-102 (Greenville).
- (19) S.L. 2006-115 (Clayton, Reidsville).

**SECTION 4.** Any ordinances regulating the removal of trees from private property that were adopted before the date this act becomes law without the express authorization of the General Assembly are hereby repealed.

**SECTION 5.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 367  
PROPOSED COMMITTEE SUBSTITUTE S367-PCS45275-RN-8

Short Title: Clarify Property Owners' Rights.

(Public)

Sponsors:

Referred to:

March 27, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING THAT COUNTIES AND CITIES SHALL NOT ADOPT  
3 ORDINANCES REGULATING THE REMOVAL OF TREES FROM PRIVATE  
4 PROPERTY WITHOUT THE EXPRESS AUTHORIZATION OF THE GENERAL  
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8 adding a new section to read as follows:

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11 the county's jurisdiction without the express authorization of the General Assembly. Neither the  
12 general police powers authorized in this Article nor any other powers authorized in this Chapter  
13 or in any other general or local law, except a general or local law expressly authorizing a county  
14 to adopt ordinances regulating the removal of trees from private property, shall be used by a  
15 county's governing body as the basis for adopting ordinances regulating the removal of trees from  
16 private property."

17 **SECTION 2.** Article 8 of Chapter 160A of the General Statutes is amended by  
18 adding a new section to read as follows:

19 **"§ 160A-201.2. Limitations on regulating trees.**

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21 the city's corporate limits or extraterritorial jurisdiction without the express authorization of the  
22 General Assembly. Neither the general police powers authorized in this Article nor any other  
23 powers authorized in this Chapter or in any other general or local law, except a general or local  
24 law expressly authorizing a city to adopt ordinances regulating the removal of trees from private  
25 property, shall be used by a city's governing body as the basis for adopting ordinances regulating  
26 the removal of trees from private property."

27 ~~\*~~**SECTION 3.** Any local acts authorizing ordinances regulating the removal of trees  
28 from private property and any ordinances that were adopted under that authority before the date  
29 this act becomes law shall remain in effect after this act becomes law.

30 **SECTION 4.** Any ordinances regulating the removal of trees from private property  
31 that were adopted before the date this act becomes law without the express authorization of the  
32 General Assembly are hereby repealed.

33 **SECTION 5.** This act is effective when it becomes law.





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**TO:** Planning Board  
**FROM:** Rohit Ammanamanchi, Planner  
**SUBJECT:** Accessory Use Structures and Setbacks  
**DATE:** April 22, 2019

## **Background**

Marvin residents have expressed concerns about several issues regarding the setbacks required for certain accessory uses. This memo serves as a list of issues to consider text amendments to alleviate these issues or to take no action. It is not expected that all items are approved, this is just a discussion of concerns that Staff has received.

## **Current**

Staff would like Planning Board to consider text amendments to Ordinance § 151.054 titled "Accessory Uses and Structures." To address these resident issues.

- Allowing Barns and other Sheds in the front yard when the house is significantly set back from the front lot line (e.g. allowing shed to be located in the front yard with a minimum setback of 200 ft. when the house is set back at least 300 ft.) and/or the lot is greater than a certain size (e.g. 5 acres) and/or the combination of natural and installed landscaping sufficiently shields the structure from view of neighbors.
- Allowing Pools in the rear yard that abuts a neighbor's side yard when there is sufficient rear yard setback (e.g. 150 ft) without requiring a CUP.
- Allowing a subdivision's conservation land or tree preservation strip to be considered as part of the setback length when adjacent to the property in determining sufficient setbacks for accessory structures. This does not include consideration of preservation areas that contain a trail, park, or other common area where people can gather.
- Allowing Marvin Creek Clubhouse to reconstruct their pool without needing to comply with the new landscape ordinances, due to the physical constraints of the amenity center having been originally built (2013) before those landscape ordinances were in place (2017). Allowing this would not require a text amendment, only a recommendation to Council.

## **Requested Action**

Consider recommendation of text amendments